

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

JUL 13 2012

NB:CCC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

- - - - -X

UNITED STATES OF AMERICA

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE MIDDLE
DISTRICT OF FLORIDA

- against -

MICHAEL CHASE DESIMONE,

(Fed. R. Crim. P. 5(c))

Defendant.

12-0666M

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

WILLIAM STEETS, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Agency ("DEA"), duly appointed according to law and acting as such.

Upon information and belief, on July 12, 2012, an arrest warrant was issued by the United States District Court for the Middle District of Florida, commanding the arrest of the defendant MICHAEL CHASE DESIMONE for Conspiracy to Possess With Intent to Distribute Oxycodone in violation of Title 21, United States Code, Section 846.

The source of your deponent's information and the grounds for his belief are as follows:

1. On July 12, 2012, an arrest warrant was issued by the United States District Court for the Middle District of Florida, commanding the arrest of the defendant MICHAEL CHASE DESIMONE for Conspiracy to Possess With Intent to Distribute Oxycodone in violation of Title 21, United States Code, Section

846. The arrest warrant was issued by Sheryl L. Loesch, Clerk for the United States Court. Copies of the indictment and arrest warrant are attached hereto.


2. On or about July 10, 2012, the DEA received a photograph and pedigree information, including name, date of birth, social security number, height and weight, from the DEA office in the Middle District of Florida about the defendant MICHAEL CHASE DESIMONE.

3. On July 13, 2012, the DEA went to a hotel where the defendant MICHAEL CHASE DESIMONE was believed to be staying. The DEA observed a person who appeared to match the description and photograph of DESIMONE. I compared that person to the photograph that the Middle District of Florida provided to the DEA, and they appeared to be the same person. The pedigree information (height and weight) also matched the person believed to be DESIMONE. In addition, I noticed a tattoo with the defendant's name ("Michael Chase Desimone") on the defendant's leg. In an interview with the DEA, DESIMONE admitted that his name was "Chase," which is the defendant's middle name. The DEA placed DESIMONE under arrest.

4. It is the desire of the United States Attorney for the Middle District of Florida that the defendant MICHAEL CHASE DESIMONE be removed to that district for prosecution.

WHEREFORE, it is requested that the defendant MICHAEL

CHASE DESIMONE be removed to the Middle District of Florida so that he may be dealt with according to law.


WILLIAM STEETS
Special Agent, DEA

Sworn to before me this
13th day of July, 2012

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED

12 JUL 12 PM 12:45

MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:12-CR-

289 + 27 MAY

BRITTNEY BEASON,
JAMES BELLOWES,
CHRIS BUCHAN,
MICHAEL DESIMONE,
HEATHER GARMANY,
TIM GRACE,
JENNY HERNANDEZ,
CHRIS JACKSON,
MARK LAPHAM,
PAUL PARKER,
KARL POLEK,
NICOLE PROCTOR,
TAMARA SHORT, and
SCOTT VITIELLO

21 U.S.C. § 841(a)(1)
21 U.S.C. § 846
21 U.S.C. § 853 (Forfeiture)

~~SEALED~~

INDICTMENT

The Grand Jury charges:

COUNT ONE

From an unknown date through on or about the date of this indictment, in the
Middle District of Florida, and elsewhere, the defendants,

BRITTNEY BEASON,
JAMES BELLOWES,
CHRIS BUCHAN,
MICHAEL DESIMONE,
HEATHER GARMANY,
TIM GRACE,
JENNY HERNANDEZ,
CHRIS JACKSON,
MARK LAPHAM,
PAUL PARKER,
KARL POLEK,

~~SEALED~~

NICOLE PROCTOR,
TAMARA SHORT, and,
SCOTT VITIELLO,

did knowingly and willfully conspire with each other and with others, both known and unknown to the Grand Jury, to possess with intent to distribute, and to distribute a quantity of a mixture and substance containing a detectable amount of Oxycodone, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(C).

FORFEITURE

1. The allegations contained in Count One of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures, pursuant to the provisions of Title 21, United States Code, Section 853.

2. From their engagement in any or all of the violations alleged in Count One punishable by imprisonment for more than one year, the defendants,

BRITTNEY BEASON,
JAMES BELLOWS,
CHRIS BUCHAN,
MICHAEL DESIMONE,
HEATHER GARMANY,
TIM GRACE,
JENNY HERNANDEZ,
CHRIS JACKSON,
MARK LAPHAM,
PAUL PARKER,
KARL POLEK,
NICOLE PROCTOR,
TAMARA SHORT, and
SCOTT VITIELLO,

shall forfeit to the United States, pursuant to Title 21, United States Code,

Sections 853(a)(1) and (2), all of their right, title and interest in:

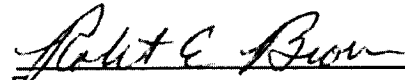
- a. property constituting and derived from any proceeds defendants obtained, directly or indirectly, as a result of such violations; and,
- b. property used and intended to be used in any manner or part to commit or to facilitate the commission of such violations.

3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred, sold to or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or,
- e. has been commingled with other property which cannot be subdivided without difficulty;

the United States shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), up to the value of the forfeitable property.

A TRUE BILL,

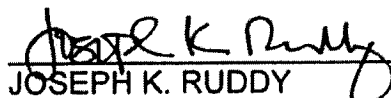

Foreperson

ROBERT E. O'NEILL
United States Attorney

By:


MARIA CHAPA LOPEZ
Assistant United States Attorney

By:


JOSEPH K. RUDDY
Assistant United States Attorney
Chief, Narcotics Section

No. 8:12-CR-

UNITED STATES DISTRICT COURT

Middle District of Florida
Tampa Division

THE UNITED STATES OF AMERICA

vs.

BRITTNEY BEASON
JAMES BELLOWS
CHRIS BUCHAN
MICHAEL DESIMONE
HEATHER GARMANY
TIM GRACE
JENNY HERNANDEZ
CHRIS JACKSON
MARK LAPHAM
PAUL PARKER
KARL POLEK
NICOLE PROCTOR
TAMARA SHORT, and
SCOTT VITIELLO

INDICTMENT

Violations: 21 U.S.C. §§ 846, 841(a)(1)

A true bill,

Robert E. Broom
Foreperson

Filed in open court this 12th day

of July 2012.

Clerk

Bail \$

BOND RECOMMENDATION: Detention
AO 442 (Rev. 5/85) Warrant for Arrest

MCL/gaw

United States District Court

MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

MICHAEL DESIMONE

WARRANT FOR ARREST

CASE NUMBER: 8:12-CR- 289 + 27 MAP

To: The United States Marshal
and any Authorized United States Officer

SEALED

YOU ARE HEREBY COMMANDED to arrest MICHAEL DESIMONE and bring him forthwith to the nearest magistrate to answer an

☒ Indictment ☐ Information ☐ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him with conspiracy to possess with intent to distribute, and distribution of Oxycodone.

In violation of Title 21, United States Code, Sections 846 and 841(a)(1).

Sheryl L. Loesch

Name & Title of Judicial Officer

Clerk, United States District Court

Title of Issuing Officer

Signature of Issuing Officer

Date and Location

(By) Deputy Clerk

Bail fixed at \$ _____ by _____
Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		